

Boatyard General Permit
Advisory Committee
February 20, 2003, Meeting Minutes

Attendees:

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Agenda:

- 10:00 - Introductions
- 10:30 - Discussion of general expectations for the advisory committee
- 11:00 - The current boatyard permit
- 11:30 - The results of the monitoring required by the current permit
- 12:00 - Lunch (on your own; there is a variety of options nearby)
- 1:00 - Major issues to be resolved in new permit
- 1:30 - Technical assistance to boatyards
- 2:00 - Future meeting dates, locations, and expectations
- 2:30 - Prompt adjournment

Meeting:

The current permit was distributed along with its fact sheet and a printed copy of a slide show used to summarize its contents back in 1997 when it was written and issued. A list of boatyards under the current permit, a table of boatyard copper monitoring results, and a list of persons interested in participating in the new permit were also distributed. A partial list of state and federal laws and regulations which will affect the content of the new permit was provided along with the state regulation (chapter 173-226 WAC) that governs general permit development and issuance.

The review of the current permit and its requirements did not get past the section on Permit Coverage. A few parts of this section were identified that needed clarification and a long discussion resulted. The list of boatyard services typically provided needs to be made more definitive by adding that these are activities with the potential for a release of pollutants into the environment. Buffing and waxing need to be listed as separate activities so that it is clear that either one is sufficient to warrant coverage. The statement that touch-up activities such as cleaning, waxing, and minor repairs or modifications that involve 25% or less of a vessel's surface above the waterline do not require coverage needs written in the new permit so that it is clear that the 25% of vessel surface area is per year.

The next issue that was discussed in detail was the need for consistent enforcement of requirements. It was noted by a boatyard operator that ideally the cost for the permit fee and compliance measures should be made up by an increase in boat owners paying boatyard operators to use the boatyard services. Both the environment and the boatyard would benefit when boats are hauled out of the water onto a properly operated boatyard for work. More education and/or regulation are needed to move such activities from being done on boats in the water at marinas or other locations onto properly operated and permitted boatyards.

A table of verified copper monitoring results was distributed. Similar copper results tables were distributed in the last several months but were based on data that were sometimes erroneous due to incomplete quality assurance. A reminder was given to discard older tables and only use the recent table of verified copper data. It was also stated that direct comparison of the stormwater monitoring data to water quality criteria was useful only for the purposes of discussion and should not be viewed as a compliance determination. The copper monitoring results ranged from 2% which were either nondetects or met water quality criteria to the worst copper concentration which would have needed reduced and/or diluted by a factor of 20,000 in order to meet the acute water quality criterion for copper. It is very likely that the higher copper concentrations in the data represent a reasonable potential to exceed state water quality standards and that the new permit will contain water quality-based copper limits for stormwater discharges. The possibility of a performance-based copper limit was discussed. A performance-based limit could be a first step in a process that would lead to a water quality-based limit. A suggestion to use the copper benchmark from the industrial stormwater permit was rejected because we have sufficient data to set a performance-based limit specific for boatyards.

Implementing water quality-based copper limits will require some consideration in the permit of the dilution provided in the receiving water. Dilution is usually determined on a site-specific basis and is difficult to apply in a general permit. In order to assist the advisory committee and permit writer with this issue, Barry Kellems of Hart Crowser volunteered to do a presentation at the next meeting on dilution studies done at shipyards. The advisory committee will look at the results of the shipyard dilution studies and evaluate the circumstances to see if they are analogous to boatyards. To assist in this effort, Michael Campbell of the Northwest Marine Trade Association volunteered to locate all of the boatyards on maps.

When the copper monitoring results are arranged from highest to lowest concentration, it is obvious that some boatyards have consistently high concentrations and some have consistently low concentrations. There are also many boatyards which have a mix of high and low copper concentrations in their stormwater. Some explanations were offered for this pattern. One explanation is that some boatyards are more successful in implementing the best management practices (BMPs) required in the current permit. Older boatyards might have accumulations of paint dust from years past that would cause stormwater contamination despite thorough implementation of BMPs. Another possibility is that some boatyards may be taking

nonrepresentative samples and biasing results high or low. It was decided to extract from the copper data a list of the 10 best and 10 worst boatyards and for Dept. of Ecology staff to do inspections to try to find any meaningful differences between facilities that might affect copper concentrations in stormwater samples.

A subject that needs discussed at future meetings is the possibility that “clean” sampling and analysis techniques might reduce the measured copper concentrations enough to be worth the extra expense for boatyards.

A permit requirement to use vacuum sanders would bring copper concentrations down without making the efforts needed to collect paint dust more complex and difficult. The tarps, drop cloths, shrouds, drapes, etc. and the effort needed to use them properly to collect paint dust are a significant expense and vacuum sanders could do a good job with less effort.

The other possibilities beyond BMPs for controlling the discharge of copper would include putting a roof over work areas, changing the discharge to a sanitary sewer (pretreatment might be needed), or infiltrating stormwater at the facility. Each of these possibilities has its own set of advantages and disadvantages. Individual boatyards should be provided with as much information as is available so that the best choice can be made for their specific needs.

Infiltration of stormwater was discussed for awhile. The boatyard general permit is both a National Pollutant Discharge Elimination System Permit for direct discharges to surface waters and a Waste Discharge Permit to cover discharges to ground and to sanitary sewers. Consistency between regions in monitoring of discharges to ground and the precedents set in the shipyard permits were discussed. Discharges to ground seem attractive because the groundwater standard for copper is much higher than the surface water standards (1 mg/L versus about 0.006 mg/L). However, more discussion is needed in order to assess the full suite of requirements that would be needed for the infiltration option.

The permit will need to be tiered in some way so that requirements fall heavier on the boatyards that currently control copper discharges poorly and lighter on the boatyards that have good controls. Doing two separate permits was discussed as an attractive approach for tiering requirements between better and worse boatyards but Dept. of Ecology resources are almost certainly too scarce to develop and issue two boatyard permits. The permit development and implementation process should contain efforts to educate boatyards on where their monitoring data stands in relation to the water quality criteria and the other boatyards.

The permit writer will run correlations between the different parameters in the monitoring data in order to provide a justification for focusing in the new permit on copper monitoring in stormwater. If successful, this will keep cost a little lower and keep attention on the main pollutant of concern.

The need was brought up for a narrative statement in the boatyard general permit that requires that state water quality standards be met. Such a narrative statement is included in the other general permits for stormwater.

The meeting participants agreed to further meetings in March and April and then to assess the need for additional meetings. The permit writer announced an intention to have a discussion draft of the permit distributed before the April meeting. It was noted that the schedule might be overly ambitious.